THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20158 of 2005

Dated:04.06.2007

Between
T.Jayasheela Bai

.....Petitioner

and

1. The Deputy Manager, (CPF)
Food Corporation of India,
Zonal Office,Chennai and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20158 of 2005

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in issuing the impugned letter dated 16.4.2004 directing the 2nd respondent to forward the pension papers only after clearing the dispute between the petitioner and her husband's 1st wife children, even though the said dispute will not preclude the respondents from releasing the family pension to the petitioner and her minor children as arbitrary, illegal and violative of Articles 19, 21 of the Constitution of India.

It appears that on the death of one P.Jeevaratnam, who is the husband of the petitioner, disputes arose between her and the

children of Jeevaratnam through his first wife as to receiving of family pension and other benefits. It seems that SOP No.301 of 2003 under Section 372 of the Indian Succession Act has been filed before the Principle District Judge, Khammam seeking to issue succession certificate to the petitioners therein and for the schedule amounts of Rs.6,50,000/- purported to be the retiral benefits accrued to said P.Jeevaratnam. The said SOP was allowed on 2.6.2006 by directing issuance of a succession certificate in favour of the petitioners therein and petitioner herein and also in favour of Ademma (mother), Jyothi Nirmala (daughter), Suneetha (daughter), Ratnakumari (daughter), Anitha (daughter), Sireesha (daughter) and Rajasekhar (son) on deposit of the required amount for engrossing succession certificate and declared that they are entitled to receive the amounts equally. Insofar as the family pension is concerned, there was no dispute resolved by the Court below.

A detailed counter-affidavit has been filed by the 2nd respondent-District Manager, Food Corporation of India, District Office at Khammam. At paragraph 7 of the counter, it is stated that the official (deceased) opted for CPF on 1.1.98 and nominated the petitioner P.Jaya Sheela Bai to receive family pension on 1.1.98. It is further stated that in view of pendency of SOP No.301 of 2003, it was not granted. The family pension papers submitted by the petitioner are found to be perfectly valid and legal as the Zonal office, Chennai has clearly stated the same and the SOP No. 301 of 2003 was disposed of on 2.6.2006 and the matter was under consideration before the competent authority.

Under these circumstances, the respondents are directed to complete the formalities and to pay family pension to the petitioner, if she is otherwise eligible as per law, within a period of six weeks from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No costs.

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04.06.2007

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